

**REMARKS**

Claims 1-20 are pending in this application. Claims 1 and 12-15 are independent claims. Claims 1 and 12-15 are amended and no claims are cancelled. Claims 21-40 are added.

**Rejections Under 35 U.S.C. § 103**

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,734,788 to Nonomura et al. ("Nonomura") in view of U.S. Publication 2002/0126994 to Gunji ("Gunji") and in view of U.S. Publication 2004/0220791 to Lamkin et al. ("Lamkin"), and in further view of U.S. Patent 6,615,192 to Tagawa et al. ("Tagawa"). These rejections are respectfully traversed.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting to any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. The Guidelines further go on to recite seven rationales for making an obviousness determination. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

With respect to claim 1, Applicant respectfully asserts that a *prima facie* case of obviousness has not been made because the prior art does not teach or suggest all of the claim limitations with respect to independent claim 1, nor has there been a clear articulation of how the cited references render obvious a combination having all of the limitations of claim 1. For

example, Nonomura does not disclose or suggest the combination recited in claim 1 including a “playitem representing the playing interval of the clip.” In addition to this failing, the cited references also do not render obvious the combination recited in claim 1 for at least the reasons set forth below.

Claim 1 as amended recites a computer readable recording medium including, among other things, “a playlist directory area storing at least one playlist indicating the clip, the playlist including at least one playitem representing the playing interval of the clip; and at least one title management information file, including at least one segment indicating the playlist in the playlist directory area; wherein the playitem in the playlist is a unit to be randomized or shuffled during random/shuffle reproduction mode; and the title management information file is located in a given directory area different from the playlist directory area.”

The Office Action on page 3 indicates that Nonomura fails to disclose “a playlist directory area storing at lease [sic] one playlist including at lease [sic] one playitem” and “[w]herein the title management information file includes at least one segment that is associated at least one playlist in the playlist directory area and the title management information file is allocated in a given directory different from the playlist directory.”

On page 4 of the Office Action, Tagawa is relied on to disclose a system wherein information is stored on various directories. The Office Action references FIG. 6 and the text in column 9, at line 34 + and also references FIG. 10 of Tagawa in an attempt to cure the insufficiencies of Nonomura.

Applicant respectfully asserts that Tagawa does not cure the insufficiencies of Nonomura. A review of FIG. 6 of Tagawa does not show the title management information file (1004) located in a given directory area different from the playlist directory area. Nor is it shown in FIG.

10. FIG. 10 and the accompanying text of Tagawa describes title management information 1004 and one or more titles 1005 stored in the volume area. The title management information 1004 is constructed from a title name 1006, a number of songs 1007, and attribute information. Further, FIG. 10 of Tagawa shows three directories: /user, /temp and /trash. It does not show the management information, playlist information and other track information, each stored in separate directories thereby curing the insufficiencies of the other cited references.

Column 9 starting at line 34 as indicated by the Office Action also does not appear to cure the insufficiencies of Nonomura, Gunji, or Lamkin to arrive at the computer readable medium having all of the limitations recited in claim 1, especially those quoted above. For example, col. 9, ll. 34 + does not include a segment indicating a playlist as recited in the combination of claim 1.

If the Examiner disagrees with the Applicant's assertions, the Applicant respectfully requests that the Examiner specifically point out which aspects of the references correspond to those recited in independent claim 1. As it appears currently, Tagawa does not cure the insufficiencies of the cited references, nor do the cited references separately or in combination render claim 1 obvious. Because a clear articulation of the reasons why a combination including all of the limitations recited in claim 1 would have been obvious has not been made, a *prima facie* case of obviousness has not been met. Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. 103 of claim 1 and its dependent claims as being unpatentable over Nonomura in view of Gunji in view of Lamkin and in further view of Tagawa be removed.

Applicant respectfully asserts that the other independent claims 12, 13, 14, and 15 contain some language similar to that described above with respect to claim 1 and are therefore patentable over the cited references at least for some of the reasons set forth above with respect

to claim 1. Therefore, Applicant respectfully requests that the rejections of independent claims 12, 13, 14, and 15 be removed.

Applicant respectfully asserts that the dependent claims 2-11, and 16-20 are patentable at least by reason of their dependency upon claims 1, 12, 13, 14, and 15, respectively. Applicant respectfully requests that the rejections of the dependent claims also be removed.

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**CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
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By



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